

March 8, 2007



TRANSCRIPT
March 8, 2007

MONTGOMERY COUNTY COUNCIL

PRESENT

Marilyn J. Praisner, President	Michael Knapp, Vice President
Phil Andrews	Duchy Trachtenberg
Nancy Floreen	George Leventhal
Marc Elrich	Valerie Ervin

Roger Berliner

1



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1 President Praisner,
2 Good afternoon, ladies and gentlemen. If we could rise for a moment of silence. I
3 appreciate it. Thank you, General business, Linda Lauer.

4
5 Linda Lauer,
6 We have made a slight revision to the public hearing scheduled for the budgets--the
7 upcoming budgets session. The operating budget and CIP amendments and the capital
8 budget for FY08, the schedule is now April 9, 10, and 11. But the April 12th meeting is
9 off the schedule. We've added April 16th instead. So these will all be at 7:00 p.m., and
10 April 11th will also have a hearing at 1:30 that day.

11
12 President Praisner,
13 Yes. And that's to accommodate councilmembers' desires to join, to the extent that they
14 can, as far as their schedules are concerned, to join in the celebration of the years of
15 service of Dr. Charlene Nunley to Montgomery College. Let me also note that I think
16 Councilmember Trachtenberg and I will be out of town that evening in New York on a
17 bond rating trip. And also as we have announced and discussed, this is an off year of
18 the CIP and that's why we're doing the Capital Budget in conjunction with the Operating
19 Budget hearings. But in response to the questions that have been raised, we normally
20 schedule an additional night of hearing on the Capital Budget after the legislature is
21 finished their work. And that will be the time when we will accommodate the school
22 system's requests or comments on their CIP/CIP general, so I wanted to make that.
23 Anything else, Linda?

24
25 Linda Lauer,
26 We did receive one petition this week and that was petition for supporting full funding of
27 the library's budget in '08. Thank you.

28
29 President Praisner,
30 Great, thank you. We have minutes, Madam Clerk.

31
32 Council Clerk,
33 The minutes of February 12th, 13th, and the closed minutes of February 1st.

34
35 President Praisner,
36 Is there a motion?

37
38 Councilmember Floreen,
39 Second.

40
41 President Praisner,
42 Motion made by Mr. Andrews, second by Councilmember Floreen. All in favor. That is
43 unanimous among those present. Consent calendar, is there a motion?
44



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1 Vice President Knapp,
2 (inaudible)

3
4 President Praisner,
5 Vice President Knapp; second by Councilmember Trachtenberg. Are there any items
6 that individuals would like to comment on in the consent calendar? Would note that in
7 the consent calendar, the Council is confirming the County Executive's appointee to as
8 DPWT - Department of Public Works and Transportation Manager for the Go
9 Montgomery program Mr. Mohammad Siddique. And also not that County Executive
10 has sent over to the Council legislation which would also change the--that position's title
11 to be related to special projects and would eliminate the term manager Go Montgomery.
12 Councilmember Floreen?

13
14 Councilmember Floreen,
15 Thank you, Madam President. I just wanted to comment on confirmation of Mohammad
16 Siddique to this position. I know that we have already given Mr. Siddique a large
17 number of special projects. I think Mr. Siddique's biggest challenge is going to be
18 sorting out how he gets everything fixed by the close of business tomorrow.

19
20 President Praisner,
21 I thought it was today.

22
23 Councilmember Floreen,
24 Well, you know, I don't think he's technically started yet.

25
26 President Praisner,
27 Oh, okay.

28
29 Councilmember Floreen,
30 But in any event, I wanted to say, we've already had the opportunity to have a long
31 conversation about a variety of DPWT issues and transportation issues, and I know he's
32 going to be a great addition to the team over at DPWT. So we welcome him. I've known
33 him for some time, but I certainly look forward to working with you again in this kind of
34 capacity.

35
36 President Praisner,
37 I see no other lights. All in favor of the consent calendar. That is unanimous among
38 those present. Mr. Siddique would you like to make any comment?

39
40 Mr. Siddique,
41 I want to thank you the County Council for the support you have rendered to me. And
42 this also affirms the confidence the County Executive has placed in me. And I'm looking
43 forward to work with the County and I need your support along the way. Thank you very
44 much.



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1
2 President Praisner,
3 Thank you very much. We look forward to working with you as well. Councilmember
4 Berliner, did you want to be recorded in favor of the consent calendar.

5
6 Councilmember Berliner,
7 Yes, ma'am.

8
9 President Praisner,
10 Great. Thank you. Congratulations.

11
12 Unidentified,
13 Congratulations.

14
15 President Praisner,
16 Did you want to introduce somebody that you have with you?

17
18 Mr. Siddique,
19 Yes, my wife sitting behind me.

20
21 President Praisner,
22 You can say good-bye to them today, because you're not going to see them much. We
23 have all this work for him to do.

24
25 Unidentified,
26 (inaudible)

27
28 Mr. Siddique,
29 Thank you very much.

30
31 President Praisner,
32 Thank you, Congratulations to you both. Thank you. We're a little ahead of schedule but
33 I think we can begin. The next item is action on the supplemental appropriation to the
34 County Government's FY07 operating budget for fire and rescue. It is the funds
35 associated with a safer grant and the sources federal aid and general fund reserves. I
36 will turn it over to Committee Chair Andrews.

37
38 Chair Andrews,
39 Thank you, Madam President. The council will recall that we asked for more information
40 last week on this item in order to have a full accounting of what the cost would be over
41 the five-year term of the grant, and we got the information back. I want to just go over it
42 a little bit to describe it so that people do have a good sense of what the full cost is of
43 the grant. The public safety committee is recommending approval of the grant. This is a
44 federal grant that would provide 12 positions funding--partial funding for 12 positions to



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1 continue in the County's implementation of four-person staffing. And a total of the grant
2 over the five years in federal funds would be \$1.24 million. The cost overall, including
3 the \$1.2 million from the federal government would be slightly over \$8 million. So it is
4 still largely County funded. And as most federal grants are, the federal grant decreases
5 over time and so in year five it's completely funded by the County. On page two is a
6 year-by-year breakdown of what the cost would be. What wasn't reflected in the initial
7 estimate we got was the cost to the County of the shift relief factor, which basically is
8 what it costs to keep the position full 24/7. Since no one is in place all time because of
9 sick leave or annual leave or training requirements or whatever limited duty, there's a
10 factor that you have to compute and we spent a lot of time with the Correction's
11 Department in the last couple of years. And the Correction's Department developed a
12 very comprehensive analysis of what their shift relief factor was, which is about 4.5. And
13 that is actually what the fire service has used as its estimate over the years. So it's likely
14 to be pretty close. But when you have a shift relief factor of 4.5 it means you need four-
15 and-a-half people to fill a position for 24 hours on average. So you have 50% of the
16 time, you're going to need someone else to fill it or 50% of the hours. So that means the
17 true cost of filling a position 24/7 is 50% more. And that's if they're paid the same
18 amount as the regular occupants of the position. If it's overtime that's used then the cost
19 will be higher. So this breaks that out. For example, on the second line from the bottom
20 on the chart at the bottom of page 2, you'll see the shift-relief cost for six additional
21 positions each year, so you have the 24/7 coverage for those 12 positions is \$2.6
22 million. That reflects what the true cost is of covering these positions--these 12 positions
23 24/7 during that five-year period. And you add that to the other cost, which are broken
24 out. And the other line that's important to note, is line 3, which is the additional funding
25 for full cost of positions. The Safer Grant provides a certain amount that's funded for
26 each position. The County has to provide a minimum match to that. But that total what
27 the federal government provides and what our minimum match is, is not the average
28 cost of our salaries because our salaries are at a higher level and benefit. So to make
29 up that difference is an additional \$1.1 million over the five years. So the total is \$8
30 million. It's important that whenever we consider grants or anything else, I think, we
31 really have a full accounting, so the resolution does reflect these changes and really
32 puts the issue squarely before us. And I think we have to recognize that, you know,
33 these will be the sorts of numbers we're going to see. It will be expensive if we continue
34 on the current plan to implement four-person staffing on the seven-year plan that's
35 anticipated by the fire service. And we need to go into it with our eyes open. And so this
36 gives us the information we need. With that, the Public Safety Committee does
37 recommend that we appropriate the money from this grant for this item. And in
38 connection with this, it's been appreciative of the Management and Fiscal Policy
39 committees' look at whether we are getting enough information ahead of time about
40 what grants we're applying for. Because once we receive a grant, certainly, it's awkward
41 at best, to turn it down.

42
43 President Praisner,



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1 Yeah. I don't see any other lights, so I'm going to comment. I think this is exactly the
2 kind of information that we need, eyes wide open, but also the kind of information we
3 need before we allow any department to go forward with a grant. And I'm very troubled
4 by the fact that it's going to cost us that amount of money to get little amount of money
5 we're getting from the federal government. And the question is whether the County can
6 sustain that amount of money over the period of time of the grant, absent another
7 source of funding for this issue, I don't think it's possible. So I'm not going to vote to
8 support this grant because at this point in time, I don't think we can sustain it over the
9 period of time. Okay. We have this action in front of us. All in favor of supporting the
10 Supplemental Appropriation please indicate by raising your hand. Councilmembers,
11 Ervin, Elrich, Floreen, Trachtenberg, Leventhal, Andrews, Berliner and Knapp; and
12 opposed, Praisner. The motion carries. We now move into legislative session. Is there a
13 legislative journal, Madam Clerk.

14
15 Council Clerk,
16 Legislative journal of February 13th for approval.

17
18 President Praisner,
19 Is there a motion?

20
21 Councilmember Leventhal,
22 Move approval of the legislative journal.

23
24 President Praisner,
25 Thank you, moved by Councilmember Andrews. Second by Councilmember--Oh,
26 Leventhal, I'm sorry, George. The voice sounded like it was coming through Phil.

27
28 Councilmember Leventhal,
29 I'm trying hard to be like Phil. So I'm glad you noticed.

30
31 President Praisner,
32 You had it down pat there.

33
34 Councilmember Leventhal,
35 Working on it. I'm glad you noticed.

36
37 President Praisner,
38 I apologize. Motion made by Councilmember Leventhal. Second by Councilmember
39 Trachtenberg to approve the Legislative Journal of February 13th. All in favor. That is
40 unanimous. We have introduction of two Bills. The first Bill is Expedited Bill 5-07
41 Personnel Retirement Firefighters sponsored by the Council President at the request of
42 the County Executive. Public hearing is scheduled for March 27th at 1:30 p.m. Second
43 Bill is Expedited Bill 6-07, Structure of County Government Non-merit Position
44 sponsored by the Council President at the request of County Executive. Public hearing



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1 is scheduled for March 27th at 1:30 p.m. Councilmember Trachtenberg, I believe I saw
2 the light come on first.

3
4 Councilmember Trachtenberg,
5 I actually want to make just a brief remark about 6-07. I note that one of the positions in
6 this Bill that will be classified as non-merit will be the executive director position for the
7 Commission for Women. And I do not support that. I know we'll have some
8 conversations about it at the public hearing on the 27th of March. I just want to frame
9 my position on this by simply stating that, you know, given my lengthy experience in the
10 world of feminist politics, specifically on a national level. It's my belief that the women's
11 movement of the '70s took the politics, or at least we were hoping we were going to do
12 that in term of women's equality. And I believe that actually converting this position into
13 a political appointment does exactly what we don't want to do, which is move us back
14 where we were back in the '70s and '80s. The purpose of the movement clearly was to
15 put women on the map so that our roles and our rights were very much an intricate part
16 of how business got done even on a government level. So I do not support this and I
17 know we'll have a conversation about it in the future.

18
19 President Praisner,
20 Councilmember Leventhal.

21
22 Councilmember Leventhal,
23 Thank you, Madam President. I wanted to make a different comment about Bill 6-07. In
24 general, I support the County Executive's initiative to give himself and future County
25 executives somewhat more flexibility in some of the most senior and trusted and
26 confidential positions in his administration. As we consider this vehicle, I would like
27 colleagues to ponder whether there may be changes we would like to make in the merit
28 classification for legislative branch employees as well. And I've spoken with the Chair of
29 the MFP Committee with Mr. Knapp who circulated what I thought was an excellent
30 memo just a few days ago regarding our staffing. I found in my own office, and
31 colleagues may also have found that some of the classifications available to us make it
32 rather difficult to recruit and retain some of our staff. And like the County Executive, we
33 have a need for recruiting and keeping staff in whom we have the highest confidence.
34 We are elected officials. We do have the need for, you know, a somewhat political and
35 personal interaction with our staff. And so I just think that with the County Executive
36 making this request, this may be an opportunity for us to take a look at our own
37 classifications as well. So my hope is that working with colleagues, I may be able to
38 circulate a memo on this prior to the public hearing on the 27th.

39
40 President Praisner,
41 Well, I think there's an issue with the charter that needs to be looked at from a
42 standpoint of the Council. There are departments in County government that are not
43 identified, per se, in the charter as the principle departments, but there is the capacity
44 for the Executive to appoint departments. Having the Council make additional political



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1 appointments I do believe runs into potentially charter questions. And before we pursue
2 with a lot of energy that issue having just started--having just begun with this future
3 budget, the full implementation of additional personnel and individual council offices that
4 we've done over a three-year period, I think the issue of political appointments for the
5 Council will require our looking at the charter.

6
7 Councilmember Leventhal,

8 I'm very familiar with the charter, Madam President, I do appreciate the point. And I
9 certainly will not propose anything that is in violation of the charter.

10
11 President Praisner,

12 Mr. Faden.

13
14 Mr. Faden,

15 Beyond the charter issues, which we're not prepared to discuss now, also if you want to
16 use this Bill as a vehicle to potentially make any amendments concerning Legislative
17 Branch, we will need to expand the title, which you can do right now. By if you look on
18 the title page of the Bill itself, which is the second page of the packet in paragraph 2 of
19 the long title where it ends, non-merit positions in the Executive Branch, I would say
20 either in County government or more specifically, in the Executive and Legislative
21 branches, to give you the option you want--

22
23 President Praisner,

24 Wouldn't you say the Council may amend the Bill to expand to the Legislative Branch,
25 not say that we're adding Legislative Branch here?

26
27 Mr. Faden,

28 You can do that in the Notice of Hearing and that would achieve the same effect.

29
30 President Praisner,

31 I think that would be the more appropriate way than amending the County Executive's
32 Bill at this point.

33
34 Councilmember Leventhal,

35 And I'm certainly very comfortable with including in the notice. Let me say that what I
36 propose may end up remaining in the merit system; it may just be a change to
37 classification of certain Legislative Branch positions within the merit system. So it may
38 not be the creation of non-merit positions.

39
40 President Praisner,

41 Yes, and well that may also relate to the personnel process, which is how you classify
42 positions, not legislatively, necessarily. So we need to look at all of those issues.

43
44 Councilmember Leventhal,



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1 We will be looking at all of those issues.

2
3 President Praisner,
4 Okay. Councilmember Ervin.

5
6 Councilmember Ervin,
7 Mike, I wanted to ask you a question about how we're handling positions where there
8 are acting--folks who are in acting capacity. Are they going to be grandfathered?

9
10 Mr. Faden,
11 Well that's a question we want to ask the Executive Branch to comment on because
12 we're not sure. There's one such position that right now falls within the scope of this Bill,
13 which is the Director of the Office of Consumer Protection, which is a merit job, and the
14 current person in that job holds it as an acting--in an acting position. The Bill as
15 submitted isn't entirely clear as to whether that person would receive the benefits of the
16 incumbent protection provision at the end of the Bill, so we will ask for clarification on
17 that.

18
19 Councilmember Ervin,
20 Yeah, at this point, I'm really concerned about the Office of Consumer Protection
21 because I think it's really easy for that office to fall prey to politics in a way that I think is
22 very dangerous. And I'm not prepared at this point to support that. But I'd like to know
23 the response to the County Executive on that question.

24
25 President Praisner,
26 Councilmember Berliner.

27
28 Councilmember Berliner,
29 Just a question for counsel. Mike, can you give us some idea as to when you're going to
30 get back to us. I assume you are going to get back to us with respect to the issue of the
31 charter and the extent to which it inhibits us from following the County Executive's lead?

32
33 Mr. Faden,
34 Yes, I will get back to you on that by the time of the public hearing on this Bill.

35
36 President Praisner,
37 Let me also indicate that I had suggested to the CAO, who I see is present, that in the
38 issue of the Regional Service Centers, those positions at this point, while obviously a
39 County government position and the Executive Branch process with the merit positions
40 that they are now, there is a significant relationship to Councilmembers and especially
41 the District Councilmembers who often send folks to attend those meetings and work
42 directly with the Regional Service Centers and the advisory board on things. And what I
43 was looking for was some kind of a document that would identify a memorandum of
44 understanding as to how that position would operate as it interacts with the Council. I



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1 think that's one position that very definitely does interact with the Council. And without,
2 you know, I'm not prepared to say yes or no on whatever positions at this point.
3 Certainly the County Executive had done through a very rigorous process of sharing
4 information with Councilmembers about both his intent and about the point about the
5 transition to political appointments should the Council approve this legislation. But the
6 one issue we did talk about is the special relationship with the Council that the Regional
7 Service Center of directors hold.

8
9 Mr. Firestine,
10 Right, and we had discussed --

11
12 President Praisner,
13 Tim Firestine, CAO, for purposes of the TV.

14
15 Mr. Firestine,
16 Madam Praisner, my question would be would did you want that before the approval of
17 legislation--

18
19 President Praisner,
20 Yes.

21
22 Mr. Firestine,
23 --memorandum of understanding on the Regional Service Centers? Okay. I also want to
24 respond to Ms. Ervin's question. It was not our intent to grandfather acting positions,
25 only grandfather those positions which have merit status. Because an acting--even if it
26 remains a merit position, we would have to go through the recruitment process to fill that
27 position. So it was not our intent to grandfather acting positions.

28
29 President Praisner,
30 Okay, I don't see any other lights. That legislation is introduced. And with the added
31 advertisement that would allow the Council should it--to consider amending the
32 legislation to deal with Legislative Branch positions. We are now just at 2:00, right on
33 time for the work session on this Washington Suburban Sanitary Commission's FY08-
34 13 Capital Improvements Program and FY08 CIP Expenditures. I see representatives
35 from WSSC are here as well as our staff, Mr. Levchenko. I'm going to turn this over to
36 Nancy Floreen, who chairs the T&E - Transportation and Environment Committee. But
37 before I do, I think it would be appropriate, I don't know whether we want to start with
38 you, Marc, go down the row and have folks introduce themselves for our television
39 notice. Let's do it down the row, it's easier that way.

40
41 Mr. Lieber,
42 I'm Marc Lieber. I'm on of the three Montgomery County Commissions of WSSC.

43
44 Ms. Cohen,



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1 Shelia Cohen, WSSC Budget Director.

2
3 Mr. Mantua,

4 Good afternoon, Joe Mantua. I'm sitting in for Joe Zerica who's the Chief Engineer for
5 WSSC.

6
7 Andy Burnhart, General Manager, WSSC,
8 Who's involved with getting a root canal at the moment.

9
10 Council President Praisner,
11 I think he'd rather be here.

12
13 President Praisner,
14 What's easier?

15
16 Mr. Brunhart,
17 Andy Brunhart, General Manager of WSSC.

18
19 Mr. Traber,
20 I'm Tom Traber, Chief Financial Officer of WSSC.

21
22 President Praisner,
23 Um, Keith?

24
25 Mr. Levchenko,
26 Keith Levchenko, Council staff.

27
28 President Praisner,
29 Is anybody here from the Office of Management and Budget on the issues? Okay. If
30 needed if we have any questions you're here, thank you. Nancy.

31
32 Councilmember Floreen,
33 Thank you, Madam President. The Transportation and Environment Committee has had
34 no changes, alterations or additions to the WSSC budget as it came to us. There have
35 been some modest revisions having to do with the changes to the Blue Plains, PDF,
36 deferral of the Patuxent phase to expansion by year. The key point, really, is that we
37 concur with the WSSC to maintain STC fees at current levels, but to allow them to
38 increase the maximum charge ceiling that might be--they might be adjusted to reach
39 and where that's consistent with state law. And we concur with the WSSC on all other
40 projects. I'll note that we are not--this is not the operating budget for WSSC, but this falls
41 within the spending affordability range that we will take up later in the course of the
42 operating budget. There really aren't any elements here for significant concern or alarm
43 or--I'll be interested if the other Councilmembers have questions. Some of you have not



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1 seen this before, so you might have some questions. But let me ask Mr. Brunhart or Mr.
2 Lieber if they'd like to make some comments about (inaudible) capital program.

3
4 Mr. Brunhart,

5 Thank you, Councilmember Floreen. Andy Brunhart, of course, WSSC. The one thing I
6 would add just for Council awareness under the topic of Enhanced Nutrient Removal or
7 ENR Projects, which as a total outcome reduce nitrogen as an affluent and therefore
8 reduce nitrogen to the bay; we are working very hard with the state to obtain flush-fee
9 funding for ENR projects at our waste water treatment plants. At the moment I'm not
10 extraordinary optimistic that we're going to receive state ENR funding from flush fees for
11 the Western Branch project, waste water treatment plant, which of course is shown at
12 the cost of about \$60 million. We're still working that hard, but the state has indicated so
13 far that they're not enthusiastic with that request. If at the end of the day we do not
14 receive that funding from ENR, of course, that'll be an expense to the Capital
15 Improvement Program. I also want to take this opportunity to actually plant a seed for
16 potentially Fiscal Year '10 and '11 in the same subject but for Blue Plains. Recall we
17 fund about 48% of the Capital Improvement Funding of Blue Plains because of the flow
18 we send there. They just recently had a ruling from EPA. They're going to have to go to
19 ENR as well. And I'll just capstone it by saying our share of that expense in Fiscal Year
20 '10 and '11 could be as much as \$200 million per year. Again, we would look to the
21 state because that's ENR fundable to fund our portion as well as for the Blue Plains
22 portion. Can't predict the future, but I'm just sort of putting that as a marker out there
23 when we start looking at '10 and '11 Fiscal Years .

24
25 President Praisner,

26 I have a question about Rockville System and the fact that it goes through our system
27 and then goes into Blue Plains. How does the Rockville piece and it's system--do they
28 pay for their share at Blue Plains or separately, or do they pay to you or how?

29
30 Mr. Burnhart,

31 Tom, you want to grab that?

32
33 Mr. Traber,

34 They pay through us. Our share includes theirs and then we pay a (inaudible) proportion
35 share, both of the operating and capital cost to them.

36
37 President Praisner,

38 So this would also have an impact on Rockville as well.

39
40 Mr. Traber,

41 Yes, it would.

42
43 President Praisner,

44 Okay, thank you. I see no other lights.



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Councilmember Floreen,

Let me just comment that as is shown on page 2 of the staff memo; overall, WSSC is recommending an increase of 15.5% over the six-year period, compared with out current CIP. We'll get into--the later years will be complicated, no doubt. But certainly the first year '08 is actually a reduction in the approved numbers. So you can see a challenge confronting us down the line in terms of percentage increases, but the dollars are not that--are really not that huge as was pointed out to me in committee. But that's it in a nutshell, unless you'd like to go through the details--

President Praisner,

I think we should see page-by-page if there are any Councilmembers who have any questions, Nancy, actually.

Councilmember Floreen,

Sure.

President Praisner,

I don't know where--go by the pages--

Councilmember Floreen,

That's the summary material. As I indicated there's a chart on page 4 that shows different sources funding and expenditures over time; page 5 includes the County Executive recommendations, which we concur with which have to do with the Blue Plains wastewater treatment facility. And deferring the expenditures for the Patuxent phase 2 expansion and the explanation there.

Unidentified,

Councilmember Knapp, and then (inaudible)--

Unidentified,

Go ahead.

Councilmember Knapp,

I have a general question. So I'm going to walk through. One of the issues that were confronting, especially as we see increased development in the up County, and I'm sure there are other parts of the County that are seeing this as well is, we have pockets of communities that were established on well and septic. Some have failing septic systems, some don't, but you're seeing development occur around. And there is both an--and they're zoned or categorized in such a way that they could be eligible for water and sewer. The challenge we're running into though in places where there's some legitimate health needs is even where--even though there may be an option for them to hook up to sewer, the ability to actually pay for that hook up is obviously very costly and only continues to increase. There are a lot of different policy--implications depending



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1 upon what we would ultimately choose to do. But one of the things I would like to ask is
2 if there was a way for us to sit down and start to explore some alternatives. I've
3 probably got four different communities right now with legitimate concerns have come
4 forward and have received cost estimates anywhere from \$50,000 to \$150,000 to get
5 them hooked up to a water and sewer system. And so it's going to be--it's obviously not
6 something that's going to happen very quickly and very easily, but I know there are
7 some--there are some federal grant programs, there are some state activities but none
8 of which I've seen that are large enough to actually accommodate more than a couple
9 folks. And so at least just to begin to explore some alternatives or some ideas if you or
10 others out there in the world have stumbled into, begin to address it. Because it--it's
11 something that's probably going to see more of an increase of at least in the near term, I
12 would think, the next five to ten years, and then once we get to some point I'm
13 assuming it would just stabilize.

14
15 Councilmember Floreen,

16 Mike, if I could just comment preliminarily. One of the other elements in all this are the
17 master plan recommendations for how these things are addressed. So it becomes--and
18 I'm familiar with some of the particular situations with which you've been working and I'll
19 just comment, they are sticky wickets for us in terms of policy and in terms of the water
20 and sewer policy for the County how we address these things and find a way to share
21 the cost appropriately. Yet also acknowledge that there are emergency situations and
22 then other kinds of competing policy initiatives. And the challenge though is where the
23 Council has already sort of weighed in, in terms of a phase-in program or not that has
24 drawn lines in a way that might not have been the most perfectly drawn lines over time.

25
26 Councilmember Knapp,

27 No, I mean, I think you've got the health issues. You've got those places where
28 categories have already been changed appropriately. And then you've got those that
29 are still master-plan issues that remain to be resolved. And so I guess I'm talking about
30 kind of category one and category two especially as development occurs, it's just more
31 and more communities keep asking questions. And there are significant cost
32 implications from a funding perspective and what makes sense to do it. I'm not
33 suggesting that we necessarily want to take an approach to put us on the hook to do
34 that, which is why I wanted to see if there are other alternatives that other jurisdictions
35 have stumbled into just so we can at least begin to explore it.

36
37 Mr. Brunhart,

38 Let me respond by saying that for a year we've had a project team work that exact issue
39 with Montgomery County representatives on it - Dave Lake as an example. There are
40 four or five options; none of which are very compelling as far as cost. I'd certainly be
41 glad to share with Councilmembers the recent briefing we gave to our own
42 commissioners on the five options. There is not a low-cost option at the end of the day,
43 but we certainly can share that information.



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1 Councilmember Knapp,
2 Okay, that would be very helpful.

3
4 Mr. Brunhart,
5 Certainly will.

6
7 President Praisner,
8 Well that does relate then back to the sewer envelope, and as Nancy said, through
9 master plans and our water and sewer envelope. And then the issue when someone,
10 you know, who's responsibility and when it is to extend beyond that and what our
11 comments may be about that so it goes back to our water and sewer policies.

12
13 Mr. Brunhart,
14 Yes.

15
16 Mr. Lieber,
17 If I could just comment, if I could Ms. Praisner. When the commissioners were briefed
18 on this, and it was by the way work group--not only with Dave Lake from Montgomery
19 County but also with Prince Georges County representatived. I can honestly say to you
20 as a policy analyst, this is one of the more complex policy issues that I've ever
21 encountered. And I think this is a perfect example of something that maybe we ought to
22 put before one of the leadership committees. Because this is really a sticky one.

23
24 President Praisner,
25 Well it's complex, but it also--with the extension of water and sewer come issues that
26 are land use issues that go beyond development--

27
28 Mr. Lieber,
29 Sure.

30
31 President Praisner,
32 --and those implications as well. And so you have the safety issue or the failing septic
33 issue, but then you have interest in being connected issues that could extend water and
34 sewer and development, therefore well beyond where it's supposed to be.

35
36 Councilmember Knapp,
37 Right point, but there's also a group that falls in between that's actually within the water
38 and sewer envelope, but not hooked up and so how do you bridge that gap. And that's
39 the part I'm more concerned about. The other broader policy implications we've
40 wrestled with a number of times.

41
42 President Praisner,
43 But then the question is capacity within the system.



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1 Councilmember Knapp,
2 Sure, (inaudible) and all the pieces.

3
4 Mr. Lieber,
5 So my practical suggestion is that--

6
7 President Praisner,
8 I think that's a good idea.

9
10 Mr. Lieber,
11 --when staff have a chance to do it, we ought to bring this to the leadership and really
12 have a dialogue.

13
14 President Praisner,
15 I want to piggyback--

16
17 Councilmember Floreen,
18 It's all about the water.

19
20 President Praisner,
21 Right. Well, yeah, and there are counties in this state who are reaching challenges
22 associated with the water as well. But, I want to go back to the ENR project eligibility
23 issue. Because as I recall, the last time I read something about this issue, it was a
24 debate about whether the upgrades to the systems--and it wasn't Blue Plains, it was--I
25 can't remember if it was Queen Anne County or one of the eastern shore counties—

26
27 Councilmember Floreen,
28 Ms. Praisner, we haven't--it's later in the packet. We can talk about it. But it's on page 9
29 if we want to turn to that.

30
31 President Praisner,
32 No let's do it later. Well I wanted to relate it to the comments on page 7, which said that
33 you have switched the funding as a bond, you know, to WSSC bonds from ENR eligible
34 because it's growth. And it seemed to me that there was still--and want to talk about on
35 page 9, but there's still this issue of a debate as to what's eligible and what's not, and I
36 would want us to be consistent with whatever is being done from a--or obviously the
37 state's the one that makes the decision as far as giving money and ENR eligible
38 funding, but some kind of inconsistency appears to be developing, or conflicts relative to
39 growth within some of the other plants. So we can talk about it when we get to page 9 or
40 we can talk about it in the page 7, where it's first introduced.

41
42 Councilmember Floreen,
43 Well I think page 7 actually is a good place because WSSC I think can respond to your
44 comment about how Blue Plains is treated.



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1
2 Keith Levchenko,

3 Actually just to clarify; there are a couple of different funding switches. The Blue Plains
4 project in a number of cases WSSC has switched from SDC to regular bonds, because
5 a number of their projects now at Blue Plains are no longer growth-related, they are
6 regulatory or maintenance so they would no longer be eligible for SDC funding. I think
7 what Ms. Praisner is talking about specifically was the Seneca waste water treatment
8 plant which originally went in with ENR-related state aid, but is now shown as SDC
9 because WSSC now knows what they believe they will get from the state and they still
10 need to do the expansion project, it's eligible for SDC. Their preference would have
11 been to have gotten state aid for that.

12
13 President Praisner,

14 Well and my point is I appreciate the--that you always do fine tuning on these issues. I
15 just want to make sure, as we discussed ENR and eligibility for ENR. As I recall the
16 discussion for at least one plant somewhere else within Maryland, the state was saying
17 over the objections of environmentalists and others, the state was saying that some
18 growth in capacity was eligible for ENR funding, and, therefore, I would like some
19 conversation about your judgment; is it one of we don't have enough money or is it that
20 the state has said there's not enough money in the ENR account; or is it that ENR
21 criteria we don't fit? If that's the latter, then I want to make sure that it's consistent with
22 the way they're interpreting other plants that are wholly within the state of Maryland. If
23 it's a non-fund--not adequate funding issue, that also has to be brought to the state's
24 attention.

25
26 Mr. Brunhart,

27 I guess I can start by addressing that it has been our view--WSSC view as an example
28 at Seneca waste water treatment plant, work involves ENR and increasing capacity
29 through roughly, 20 to 26 million-gallons a day. It's been our view that up the increased
30 capacity from 20 to 26 should be borne by the flush fee as well, and that's the position
31 we've taken. The state does not concur with that position and they're taking the position
32 that ENR is funded up to the 20 but the growth to 26 should be borne by WSSC, which
33 is why we had to change to have that increased capacity, which may be inconsistent
34 with other plants. But that's the input that the state gave us.

35
36 President Praisner,

37 Well can we follow up, you know, all I know I read in the paper and that's dangerous to
38 make judgments exclusively on what you've read in the paper. But there were several
39 articles about the fact that at least one other plant in the state was not just improving to
40 the level of capacity that they had currently, but was improving and getting funding from
41 ENR to a level of capacity greater in order to accommodate an envelope of growth that
42 they felt was adequate, whomever "they" is. So I just want to make sure, Blue Plains is
43 a little oddity in that it's not totally a facility within the state of Maryland. And it may be
44 that there's a window of growth but it's not the number that we're talking about capacity.



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1 I don't know. And the state may have backed off after pressure from folks who raised
2 concerns about this not being intended to encourage growth or to provide for growth,
3 but only being intended to elevate the system's cap--system's effectiveness by virtue of
4 the quality of the work done at the plant. So, Keith, if we could follow up with Melanie
5 and folks and Dave Lake, I would appreciate it very much.

6
7 Mr. Burnhart,
8 We'll follow up as well on a consistency question.

9
10 President Praisner,
11 Good. Great. Thank you.

12
13 Councilmember Floreen,
14 Another interest--actually the interesting thing about this budget is that we'll all be glad
15 to know that we are preparing for the future in terms of dam safety. So we--the state is
16 requiring WSSC to upgrade its protection for Duckett and Brighton Dam to meet the
17 10,000-year storm. So I wanted you to know, you'll be sticking around for a while and
18 we will be ready.

19
20 Unidentified,
21 (inaudible).

22
23 Councilmember Floreen,
24 This is a modest 25-million cost.

25
26 Councilmember Leventhal,
27 In other words, it's about "dam" time.

28
29 Councilmember Floreen,
30 Well it's--we're going to be ready.

31
32 Mr. Burnhart,
33 I have no comeback quickly for that, sir.

34
35 President Praisner,
36 Are they doing that with others or is this unique for us?

37
38 Councilmember Floreen,
39 (inaudible) plan, I don't know.

40
41 Mr. Burnhart,
42 As you may recall from last summer and the press on the matter throughout the state; it
43 was time for us to do a safety evaluation outside the professional of the Duckett Dam in
44 particular, which we did. The essence is the dam itself is safe, but if we do have a once



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1 every 10,000-year rain, the dam will be over topped--that's engineering code for the
2 water will come over the top. The vulnerability is on this particular dam when it comes
3 over the top on the side walls that we need to beef up the side walls and the (inaudible)
4 protection if you will, not the dam. But that's going to be costly to do that.

5
6 Councilmember Floreen,
7 Well, I personally suspect that the entire area--region will be some feet under water in
8 terms of a 10,000-year storm. But the dam will be there.

9
10 Mr. Burnhart,
11 Well you're exactly right because I asked the same question. The city--the city of Laurel
12 will be many feet under water, under a 10,000--

13
14 Councilmember Floreen,
15 It will be fewer feet under water this way apparently.

16
17 Mr. Burnhart,
18 That's right.

19
20 Councilmember Floreen,
21 So there you go. We're planning for the future.

22
23 President Praisner,
24 Okay, I don't see any other lights.

25
26 Councilmember Floreen,
27 Let's see here. The Potomac water filtration plant has a series of projects going on. The
28 Potomac by County supply main which will go underneath--it's a deep tunnel
29 underneath portions of Rock Creek Park has been planned. It's going to begin in--when
30 is it going to start?

31
32 Keith Levchenko,
33 The borings are occurring now.

34
35 Councilmember Floreen,
36 The borings are going--but the actual construction will start, when will we start hearing
37 complaints about vibration?

38
39 Mr. Burnhart,
40 I'm very optimistic that by vibration you won't hear. You will--there will be some
41 community impact at the three access tunnels with trucks coming back and forth
42 between the access tunnels.

43
44 Councilmember Floreen,



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1 But the actual--besides the borings--the actual borings going on at this point, I mean for
2 the tunnel?

3
4 Mr. Burnhart,
5 No, soil boring not actually--

6
7 Councilmember Floreen,
8 Tunneling will begin when?

9
10 Mr. Burnhart,
11 2008-2009.

12
13 Councilmember Floreen,
14 Coming up.

15
16 Keith Levchenko,
17 And if you look at the map on Circle 732, much of the disruption will be at the shaft
18 locations, not at the tunnel alignment, per se. I think that's where WSSC is focusing its
19 community efforts in terms of information and scheduling and truck traffic and things like
20 that.

21
22 Councilmember Floreen,
23 Laytonsville tank and pumping station, you may recall that got (inaudible) on the
24 sidelines a while back because of some disagreements between councils, but it's back
25 on track, we hope? Blue Plains we've talked about a bit. And there are water and sewer
26 pipe reconstruction programs. We--they're underway; they're not going--at this point
27 proceeding as rapidly as WSSC would like them to proceed, but they are working on a
28 study, I believe, on to see if there's a way to improve our efficiency and our speed at
29 (inaudible).

30
31 Unidentified,
32 Well, what we're striving to do as we've talked in part at the leadership meeting, is
33 create a 30-year infrastructure plan linked to a ten-year fiscal plan to meet beginning of
34 spending affordability for FY09. We see FY08 as a bridge here. Just to really quickly,
35 the actual miles of water main replacement in the capital improvement plan that's before
36 you, we throttled back upon advice from councils when we hit the leadership meeting.
37 So this is not an increase as much as it is water side, it is on the sewer side.

38
39 Councilmember Floreen,
40 And that--is it--Ms. Praisner.

41
42 President Praisner,
43 Okay, I see no other lights--oh, I'm sorry. Councilmember Andrews.



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1 Councilmember Andrews,
2 One quick question. Andy, when you talked about the potential 200 million a year capital
3 cost for Blue Plains FY10 or '11, was that Montgomery County's share? Whose share
4 was that?

5
6 Mr. Brunhart,
7 That's WSSC's share in total.

8
9 Councilmember Andrews,
10 Okay, that's a two-County share.

11
12 Mr. Brunhart,
13 Yes.

14
15 Councilmember Andrews,
16 That's given that the total six-year capital budget right now is about 600 million for six
17 years, and that's 200 million potentially a year among the two counties. What's the total
18 cost? What's the total cost of the capital improvements over the life of the project? Is it
19 expected to be done in that two-year period?

20
21 Mr. Brunhart,
22 I think, off the top of my head, and I can get back to you on the exact stat. It ranges
23 across four years and it will depend on the bid. These are all engineering estimates at
24 the moment. I just wanted to highlight to you that it could get up to 200 million each in
25 Fiscal Year '10 and Fiscal Year '11 for us.

26
27 Councilmember Andrews,
28 That's what I thought you said.

29
30 Mr. Brunhart,
31 That's right. At which, I believe, should be fully funded by the state of Maryland ENR
32 flush fees, but there's some potential it won't be. So I'm just highlighting that in advance.

33
34 Councilmember Andrews,
35 Okay. That's an important one to track.

36
37 Mr. Brunhart,
38 Yes.

39
40 Councilmember Andrews,
41 Okay.

42
43 President Praisner,
44 Okay.



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1
2 Councilmember Floreen,
3 That's it.
4
5 President Praisner,
6 There are no other lights. Thank you all very much. We are adjourned.
7
8 Mr. Brunhart,
9 Thank you very much.
10